

Message Text

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FM AMCONSUL MONTREAL

TO SECSTATE WASHDC PRIORITY 6304

UNCLAS SECTION 1 OF 2 MONTREAL 0849

FROM USREP ICAO

E. O. 11652: N/A

TAGS: PORG, EAIR, ICAO

SUBJ: COMMITTEE UNLAWFUL INTERFERENCE RECOMMENDATIONS REGARDING
SECURITY MEASURES

REF: MONTREAL 0825

1. AS REQUESTED, FOLLOWING IS TEXT OF DRAFT CUI REPORT TO COUNCIL
(INTRODUCTION OMITTED). WILL BE CONSIDERED BY COMMITTEE ON MAY 15.

QUOTE: ANNEX 17 - PARA 3.1.2

4. THE PREVAILING VIEW WAS THAT PARA 3.1.2 WAS BASIC TO THE
SECURITY NEEDS AND THE IMPLEMENTATION OF MANY PROVISIONS IN THE
ANNEX, AND AS SUCH SHOULD BE RAISED TO THE LEVEL OF A STANDARD.
THE COMMITTEE SO AGREED TO RECOMMEND TO THE COUNCIL.

PARA. 5.1.2 5. DIFFICULTY WAS EXPRESSED WITH THE PROPOSED RECL-
ASSIFICATION OF RECOMMENDATION 5.1.2 IF THE WORDS "COMPOSED OF
ALL PARTIES CONCERNED" WERE TO BE RETAINED. IT WAS THE PREROGATIVE
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OF A STATE TO DECIDE ON THE COMPOSITION OF THE AERODROME SECURITY

COMMITTEES AND IT WAS GOING TOO FAR TO PRESCRIBE THAT SUCH COMMITTEES SHALL BE COMPOSED OF "ALL PARTIES" CONCERNED. THE COMMITTEE AGREED TO RECOMMEND TO THE COUNCIL THE RECLASSIFICATION OF RECOMMENDATION 5.1.2 TO A STANDARD, DELETING THE WORDS "COMPOSED OF ALL PARTIES CONCERNED". PARA 5.1.6 6. MISGIVING WERE EXPRESSED ON THE WISDOM OF REVISING ANNEX 17 ONLY TWO MONTHS AFTER IT HAD COME INTO FORCE REQUIRING STATES TO TAKE STEPS FOR ITS IMPLEMENTATION. IN ANSWER IT WAS POINTED OUT THAT ALTHOUGH THE ANNEX HAD BECOME APPLICABLE ONLY ON 27 FEB 1975, IT HAD BEEN SENT TO STATES A YEAR AGO, AND HAD BEEN OVER TWO YEARS IN THE MAKING. ANOTHER DIFFICULTY EXPRESSED WAS THAT BY MAKING A STANDARD OF WHAT WAS A RECOMMENDATION, A COERCIVE FORCE WAS SOUGHT TO BE APPLIED TO STATES BECAUSE THEY HAD TO FILE DIFFERENCES IN RESPECT OF STANDARDS WHILE NOT OBLIGED TO DO THE SAME IN RESPECT OF RECOMMENDATIONS. AS TO RECLASSIFYING RECOMMENDATION 5.1.6, ANOTHER PROBLEM WAS THAT IT WAS NOT STATED WHO WAS RESPONSIBLE FOR INITIATING ACTION TO TAKE PRECAUTIONS TO PREVENT UNAUTHORIZED ACCESS TO UNATTENDED AIRCRAFT. THE PRESENT TEXT, THEREFORE, WAS LACKING IN THE PRECISION REQUIRED IN A STANDARD. IT WAS EXPLAINED BY OTHERS THAT IT WAS SUFFICIENT TO EXPRESS AN OBJECTIVE AND TO LEAVE THE TAKING OF SUITABLE ACTION TO CONTRACTING STATES, THAT SUCH A DEVICE WAS COMMON TO MANY STANDARDS IN OTHER ANNEXES AND EVEN IN ANNEX 17 (E.G. PARA 5.1.1), AND THAT IT WAS DESIRABLE TO PERMIT FLEXIBILITY TO STATES. 6.1 EVENTUALLY THE COMMITTEE DECIDED TO LEAVE THE STATUS OF RECOMMENDATION 5.1.6 UNCHANGED, AND SO RECOMMENDS. PARA 5.1.7 THE COMMITTEE DECIDED THAT RECOMMENDATION 5.1.7 SHOULD RETAIN ITS PRESENT STATUS, AND SO RECOMMENDS. PARA 5.2.1 8. IN THE VIEW OF SOME REPRESENTATIVES OF MEMBER STATES, THERE WERE SERIOUS DIFFICULTIES IN RAISING THE STATUS OF RECOMMENDATION 5.2.1 BECAUSE (I) IT WAS DIFFICULT FOR SOME STATES TO ORGANIZE THE TYPE OF SECURITY SERVICE ENVISAGED THEREIN, (II) THE EXISTING PROVISION INSISTED ON A PARTICULAR METHOD OF MEETING THE SECURITY NEEDS OF AERODROMES, (III) THE WORDS "HAVING OVERALL RESPONSIBILITY" CREATED A PROBLEM FOR SOME STATES SINCE THE OVERALL RESPONSIBILITY FOR SAFEGUARDING INTERNATIONAL CIVIL AVIATION WAS APPORTIONED AMONG DIFFERENT AUTHORITIES IN SUCH STATES, AND (IV) SOME STATES COULD NOT AGREE, DUE TO THEIR DIFFERENT INTERNAL ORGANIZATION, TO MAKE THE AERODROME SECURITY SERVICE RESPONSIBLE "FOR CO-ORDINATING ACTION". 8.1 A PROPOSAL TO RECLASSIFY RECOMMENDATION 5.2.1 INTO A STANDARD, OMITTING THE WORDS UNCLASSIFIED

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"HAVING OVERALL RESPONSIBILITY", "AND FOR CO-ORDINATING ACTION", AND REPLACING "SHOULD" WITH "SHALL", FAILED, AND SO ALSO A PROPOSAL TO AMEND THE RECOMMENDATION BY DELETING THE WORDS "HAVING OVERALL RESPONSIBILITY". THE COMMITTEE, CONSEQUENTLY, RECOMMENDS NO CHANGE IN THE EXISTING RECOMMENDATION 5.2.1 - PARAS 5.2.2 TO 5.2.4 9. IT WAS AGREED THAT SINCE THE PROPOSAL TO RECLASSIFY RECOMMENDATION 5.2.1 HAD FAILED, THE STATUS OF THE FOLLOWING RECOMMENDATIONS 5.2.2, 5.2.3 AND 5.2.4, WHICH DERIVED THEIR

SIGNIFICANCE AND EFFECTIVENESS FROM RECOMMENDATION 5.2.1, SHOULD ALSO REMAIN UNCHANGED, AND THE COMMITTEE SO RECOMMENDS. THE REPRESENTATIVE OF THE UNITED STATES WISHED TO RE-AFFIRM ITS GOVERNMENT'S POSITION THAT ALL THE RECOMMENDATIONS UNDER 5.2 SHOULD HAVE THE STATUS OF STANDARDS. PARA 6.1.2 10. THE COMMITTEE DECIDED AGAINST ANY CHANGE IN THE STATUS OF RECOMMENDATION 6.1.2, AND SO RECOMMENDS.

ANNEX 9 - PARA 9.1 11. IT WAS STATED THAT RECOMMENDATION 9.1 WAS CONSISTENT WITH THE SECURITY NEEDS AT AERODROMES AND IT WAS ESSENTIAL THAT AUTHORIZED OFFICERS BE MADE AVAILABLE AT INTERNATIONAL AIRPORTS BY STATES TO DEAL WITH SITUATIONS INVOLVING UNLAWFUL INTERFERENCE WITH INTERNATIONAL CIVIL AVIATION. THE PROPOSAL TO RECLASSIFY THE RECOMMENDATION TO A STANDARD, HOWEVER, FAILED. - PARA 9.2 12. THE REPRESENTATIVE OF THE UNITED STATES PROPOSED THE SUBSTITUTION OF EXISTING RECOMMENDED PRACTICE 9.2 BY THE FOLLOWING: '9.2 RECOMMENDED PRACTICE. - CONTRACTING STATES SHOULD TAKE THE NECESSARY MEASURES TO ASSURE THAT ALL PASSENGERS AND ALL PROPERTY INTENDED TO BE CARRIED IN THE AIRCRAFT CABIN BE SCREENED BY WEAPON DETECTING PROCEDURES OR FACILITIES EMPLOYED OR OPERATED BY EMPLOYEES OR AGENTS OF THE AIR CARRIER OR REPRESENTATIVES OF THAT STATE". 12.1 ATTENTION WAS DRAWN TO THE PROVISIONS OF RECOMMENDATION 3.25 WHICH DEALT WITH THE EXAMINATION OF "PASSENGERS AS A SECURITY MEASURE" BEFORE AIRCRAFT DEPARTURE, AND PROVIDED FOR THE USE OF "SECURITY EQUIPMENT" FOR SEARCHING PASSENGERS. IT WAS POINTED OUT BY SOME REPRESENTATIVES THAT RECOMMENDED PRACTICE 3.25 DEALT WITH THE ASPECT OF FACILITATING THE DEPARTURE OF AIRCRAFT BY DISCOURAGING PHYSICAL SEARCHES, WHILE RECOMMENDED PRACTICE 9.2 WAS CONCERNED WITH PREVENTING THE CARRYING OF WEAPONS ON BOARD AIRCRAFT. IT WAS INQUIRED BY OTHERS WHETHER THE INTENT OF THE PROPOSED NEW REQUIREMENT WOULD BE MET WITHOUT UTILIZING ELECTRONIC WEAPON DETECTING DEVICES. ANOTHER VIEW WAS THAT THE PROPOSED NEW TEXT UNCLASSIFIED

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WAS MORE APPROPRIATE FOR ANNEX 17 OR SOME OTHER ANNEX. ON BEING PUT TO THE VOTE, THE PROPOSAL FAILED TO BE CARRIED. 12.2 IT WAS NEXT PROPOSED THAT THE EXISTING RECOMMENDED PRACTICE 9.2 BE RAISED TO THE STATUS OF A STANDARD, WHICH PROPOSAL RECEIVED WIDE SUPPORT AND THE COMMITTEE RECOMMENDS ACCORDINGLY. PARA 9.2 13. THE COMMITTEE DECIDED THAT RECOMMENDED PRACTICE 9.3 SHOULD RETAIN ITS STATUS, AND SO RECOMMENDS.

ANNEX 14 - PARAS 4.2, 4.3, 4.4 14. THE COMMITTEE DECIDED TO RECOMMEND THAT NO CHANGE BE MADE IN THE STATUS OF RECOMMENDATIONS 4.2, 4.3 AND 4.4 HARPER

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TO SECSTATE WASHDC PRIORITY 6305

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NEW PROVISION IN ANNEX 9 15. THE REPRESENTATIVE OF THE UNITED STATES PROPOSED THAT A NEW STANDARD BE ADDED UNDER CHAPTER 9 OF ANNEX 9, AS FOLLOWS: -9.5 STANDARD. - CONTRACTING STATES SHALL ESTABLISH PROCEDURES TO PREVENT THE INTRODUCTION OF EXPLOSIVES OR INCENDIARY DEVICES IN BAGGAGE AND CARGO INTENDED TO BE CARRIED ON INTERNATIONAL FLIGHT. NOTE. SOME OR ALL OF THE FOLLOWING PROCEDURES MIGHT BE ADOPTED, HAVING REGARD TO THE PROTECTION OF PERSONS AND PROPERTY, THE AVAILABILITY OF EQUIPMENT, TRAINED PERSONNEL, ETC.:

1. PHYSICAL SEARCH. 2. WHEN IT IS NOT POSSIBLE TO CONDUCT A PHYSICAL SEARCH: - HOLDING THE UNACCOMPANIED BAGGAGE AND CARGO FOR A PERIOD NOT LESS THAN 12 HOURS IN CASE IT CONTAINS A TIME-CONTROLLED DETONATOR DEVICE. - THE USE OF DECOMPRESSION CHAMBERS CAPABLE OF EXPLODING BOMBS ACTIVATED BY CHANGES IN BAROMETRIC PRESSURE. - THE USE OF DOGS, EXPLOSIVE "SNIFFERS" OR ELECTRO-CHEMICAL DEVICES. - THE USE OF EQUIPMENT CAPABLE OF 'SEEING' CERTAIN ARTICLES, E.G., X-RAYS AND FLUOROSCOPES. - IDENTIFY THE SHIPPER." 15.1 ONE REPRESENTATIVE EXPLAINED THAT HE HAD NO OPPORTUNITY TO CONSULT HIS ADMINISTRATION ON THE SUBSTANCE OF THE NEW PROPOSAL. ANOTHER REPRESENTATIVE FELT THAT THE PROCEDURE PRESCRIBED THEREIN WOULD CAUSE DELAY IN THE DISPATCH
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OF AIRCRAFT BECAUSE OF THE ELABORATE AND TIME-CONSUMING REQUIREMENTS. 15.2 ATTENTION WAS INVITED TO THE EXISTING RECOMMENDED PRACTICES 3.28 AND 4.11 IN ANNEX 9. THE FORMER ADVOCATED THE USE OF SECURITY EQUIPMENT IN CONDUCTING EXAMINATION OF BAGGAGE OF PASSENGERS, WHILE THE LATTER DISCOURAGED PHYSICAL EXAMINATION OF CARGO AND UNACCOMPANIED BAGGAGE. 15.3 THE PROPOSAL FAILED TO BE CARRIED, AFTER WHICH ANOTHER PROPOSAL WAS MADE TO CLASSIFY THE SUBSTANCE OF THE TEXT AS A RECOMMENDED PRACTICE 9.5 TO BE ADDED TO CHAPTER 9 OF ANNEX 9, AND THE COMMITTEE DECIDED SO TO RECOMMEND.

NEW PROVISIONS IN ANNEX 14 - PARA 1.3, CHAP. 1, PART VII.

16. ON THE BASIS OF A SUGGESTION MADE BY THE OBSERVER FROM THE FEDERAL REPUBLIC OF GERMANY, THE REPRESENTATIVE OF THE UNITED STATES PROPOSED AN AMENDMENT TO PARAGRAPH 1.3 IN CHAP 1, PART VII OF ANNEX 14, WITH THE AIM OF INCLUDING THEREIN THE CO-ORDINATION OF RESCUE AND FIRE FIGHTING SERVICE WITH SECURITY SERVICES, AIR TRAFFIC CONTROL AND OPERATORS THAT COULD BE OF ASSISTANCE IN RESPONDING TO EMERGENCIES SUCH AS ACTS OF UNLAWFUL INTERFERENCE WITH INTERNATIONAL CIVIL AVIATION. IT WAS POINTED OUT BY ONE REPRESENTATIVE THAT RECOMMENDATION 5.2.1 IN ANNEX 17 ADEQUATELY DEALT WITH THE QUESTION OF CO-ORDINATING ACTION BY THE AERODROME SECURITY SERVICE IN THE INTEREST OF SAFEGUARDING AGAINST SUCH ACTS. IN REPLY, IT WAS STATED THAT RECOMMENDATION 5.2.1 IN ANNEX 17 WAS CONCERNED WITH PREVENTIVE MEASURES, WHILE THE PROPOSAL UNDER CONSIDERATION DEALT WITH ACTUAL EMERGENCIES. 16.1 THE PROPOSAL, HOWEVER FAILED TO CARRY, AND THE COMMITTEE MAKES NO RECOMMENDATION ON THIS ISSUE.

PARA 1.3.2, CHAP 1, PART III 17. A REPRESENTATIVE STATED THAT HE HAD HAD NO TIME TO CONSULT HIS ADMINISTRATION IN REGARD TO THE PROPOSAL MADE FOR ESTABLISHING PROCEDURES FOR CONTROLLING ACCESS BY NON-COMMERCIAL AIRCRAFT TO AREAS WHERE COMMERCIAL AIRCRAFT WERE TO BE FOUND AT AERODROMES. THE POSSIBLE DANGER SOUGHT TO BE GUARDED AGAINST WAS ONE OF MANY THAT MIGHT OCCUR AND IT WAS NOT PRACTICABLE TO PROVIDE AGAINST ALL RISKS. MOREOVER, FURTHER DATA AND INFORMATION HAD TO BE MADE AVAILABLE BEFORE THE COMMITTEE COULD TAKE A DECISION. THE PROPOSED PROCEDURE SEEMED MORE FIT FOR INCLUSION IN THE SECURITY MANUAL.. 18. THE REPRESENTATIVE OF THE U.S., PROPONENT OF THE PROPOSAL, EXPLAINED THAT THE IDEA WAS TO ENCOURAGE STATES TO ESTABLISH SUITABLE PROCEDURES TO SAFEGUARD COMMERCIAL AIRCRAFT. ANOTHER REPRESENTATIVE

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TATIVE FELT THAT WHILE ADEQUATE SAFEGUARDS EXISTED AGAINST DANGER FROM THE LAND SIDE OF AERODROMES, THE SAME COULD NOT BE SAID FOR DANGER FROM THE AIR SIDE, AND THE PROBLEM THEREFORE WAS WORTHY OF DEEPER STUDY. 19. AFTER SOME FURTHER DISCUSSION

IN WHICH THE DIFFICULTY OF IMPLEMENTING SUCH A RECOMMENDATION BY STATES WAS EMPHASIZED, IT WAS DECIDED TO REFER THE PROBLEM TO THE AIR NAVIGATION COMMISSION INVITING ITS ADVICE AND RECOMMENDATIONS ON THE AIR NAVIGATION ASPECTS INVOLVED, AFTER RECEIPT OF WHICH THE COMMITTEE WOULD CONSIDER THE WHOLE MATTER FURTHER. CONSIDERATION OF C-WP/6125 PARA 3(5) 20. WITH REGARD TO THE PROPOSAL BY THE GOVERNMENT OF ISRAEL TO PROVIDE IN ANNEX 17 FOR SECURITY GUARDS AND PATROLS ON THE PERIMETERS OF INTERNATIONAL AIRPORTS, ETC., IT WAS FORMALLY PROPOSED BY ONE REPRESENTATIVE TO ADD AT THE END OF RECOMMENDATION 5.2.2 IN ANNEX 17 THE WORDS 'INCLUDING ITS PERIMETER'. THE PROPOSAL, HOWEVER, FAILED TO CARRY AND THE COMMITTEE MAKES NO RECOMMENDATION IN THIS RESPECT. PARA 3(6) 21. NO FURTHER ACTION WAS NEEDED IN VIEW OF THE COMMITTEE'S DECISION EARLIER (SEE PARA 9 ABOVE). PARA 3(7) 22. IT WAS AGREED TO MAKE NO FURTHER RECOMMENDATION IN THIS MATTER. PARA 3(8) 23. THE COMMITTEE AGREED TO MAKE NO RECOMMENDATION IN RESPECT OF THE PROPOSAL MADE IN PARAGRAPH 3(8), HAVING NOTED THAT PARAGRAPH 3.9.29 IN THE SECURITY MANUAL PROVIDES GUIDANCE IN THE MATTER. PARA 5 (2) 24. THE COMMITTEE AGREED TO MAKE NO RECOMMENDATION IN THE MATTER RAISED IN PARAGRAPH 5 (2). PARAS 5(3) AND (4) 25. IT WAS EXPLAINED BY AVSEC EXPERT THAT GUIDANCE IN REGARD TO THE FORM OF REPORTING BY STATES ON INCIDENTS OF UNLAWFUL INTERFERENCE WITH INTERNATIONAL CIVIL AVIATION WAS TO BE FOUND IN PARAGRAPH 1.10 OF THE SECURITY MANUAL. THESE REPORTING PROCEDURES WERE ESTABLISHED OR APPROVED BY THE COMMITTEE, AND WERE SIMILAR TO THOSE ESTABLISHED FOR AIRCRAFT ACCIDENT REPORTING. 25.1 THE COMMITTEE AGREED TO MAKE NO RECOMMENDATION ON THE PROPOSALS CONTAINED IN ITEMS (3) AND (4) OF PARAGRAPH 5. PARA 6 (3) 26. AFTER CONSIDERABLE DISCUSSION OF PARAGRAPH 6(3), THE COMMITTEE DECIDED TO BRING TO THE ATTENTION OF COUNCIL THE DESIRABILITY OF ICAO SPONSORING REGIONAL AVIATION SECURITY TRAINING PROGRAMMES. IF THE COUNCIL AGREED WITH THIS SUGGESTION, IT COULD INSTRUCT THE SECRETARY GENERAL TO DETERMINE THE FEASIBILITY OF SUCH REGIONAL TRAINING PROGRAMMES FINANCED THROUGH THE USE OF UNDP FUNDS. SUCH ARRANGEMENTS WOULD NOT REQUIRE ANY ADDITIONAL BUDGETARY APPROPRIATIONS BY ICAO OR CONTRACTING STATES, SINCE IT WAS UNDERSTOOD THAT ADEQUATE FUNDS WERE AVAILABLE.

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ABLE FROM THE CURRENT UNDP BUDGET. 26.1 IT WAS AGREED THAT REPRESENTATIVES OF MEMBERS OF THE COMMITTEE WERE FREE TO RESERVE THE POSITION OF THEIR GOVERNMENTS WITH RESPECT TO THE ABOVE SUGGESTION. 26.2 THE COMMITTEE THEN TURNED ITS ATTENTION TO THE LAST PARAGRAPH OF UI/WP/68. ONE REPRESENTATIVE SUGGESTED THAT, IN THE SPIRIT OF RESOLUTION A17-13, THE COUNCIL SHOULD BE ASKED TO URGE STATES TO DEVELOP AVIATION SECURITY TRAINING PROGRAMMES BASED ON THE MATERIAL IN THE ICAO SECURITY MANUAL AND ALSO URGE MUTUAL ASSISTANCE AMONG CONTRACTING STATES IN THE FIELD OF TRAINING FOR AVIATION SECURITY PERSONNEL. THIS SUGGESTION WAS NOT SUPPORTED, SOME REPRESENTATIVES INDICATING

THAT THEY PREFERRED THE EXPLORATION AND POSSIBLE IMPLEMENTATION OF REGIONAL TRAINING PROGRAMMES BY THE SECRETARY GENERAL. IT WAS, HOWEVER, AGREED TO BRING IT TO THE ATTENTION OF THE COUNCIL FOR CONSIDERATION.

CONSIDERATION OF UI-WP/67 - APPENDIX D 27. THE CHAIRMAN WAS REQUESTED TO INVITE ADVICE AND RECOMMENDATIONS FROM THE AIR NAVIGATION COMMISSION WITH RESPECT TO THE AS YET UNDEFINED OVERLAP BETWEEN THE INVESTIGATION OF ACCIDENTS (ANNEX 13) AND ACCIDENTS CAUSED BY ACTS OF UNLAWFUL INTERFERENCE (ANNEX 17) WHICH THE SECRETARIAT HAD BROUGHT TO THE ATTENTION OF THE COMMITTEE IN APPENDIX D. TO UI-WP/67.

ACTION BY COUNCIL 28. THE COMMITTEE, HAVING STUDIED THE MATTERS REFERRED TO IT BY THE COUNCIL, SUBMITS THE RECOMMENDATIONS IN PARAGRAPHS 4,5, 12.2 AND 15.3 FOR THE COUNCIL'S CONSIDERATION. IN THE APPENDIX HERETO ARE REPRODUCED, FOR CONVENIENCE, THE DRAFT TEXTS OF THE PROVISIONS IN THE PERTINENT ANNEXES IN RESPECT OF WHICH THE COMMITTEE HAS MADE ITS RECOMMENDATIONS. UNQUOTE.
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